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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT PHILIP SIGUENZA CRUZ,

Defendant.

Criminal Case No. 07-00021

ORDER

The sentencing hearing in this case came before the court on October 15, 2007. At that time the government moved for the court to upward depart from the guideline range. An issue arose as to whether the proposed departure would result in a disproportionate sentence and if so whether the Government needed to support its position by a clear and convincing standard. The court finds that briefing on this matter would be helpful. Accordingly, the Government shall file its brief on this matter by Tuesday, October 23, 2007, the Defendant shall file his Opposition by Tuesday, October 30, 2007 and any Reply by the Government shall be filed by November 2, 2007. In addition, the court vacates the continued hearing date of October 17, 2007 and reschedules the sentencing hearing to November 15, 2007, at 1:30 p.m.

SO ORDERED.



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Oct 15, 2007